

DRAFT**SAN DIEGO UNIFIED PORT DISTRICT****ORDINANCE xxxx****ORDINANCE FINDING THE BOARD ACTION
EXEMPT UNDER THE CALIFORNIA
ENVIRONMENTAL QUALITY ACT (CEQA)
INCLUDING, BUT NOT LIMITED TO, SECTIONS
15273 AND 15301 OF THE CEQA GUIDELINES
AND AMENDING SAN DIEGO UNIFIED PORT
DISTRICT CODE, ARTICLE 8, SECTION 8.21 –
PARKING RATES AT TIDELANDS PUBLIC
PARKING LOTS AND GARAGES**

WHEREAS, the San Diego Unified Port District (District) is a public corporation created by the Legislature in 1962 pursuant to Harbors and Navigation Code Appendix I (Port Act); and

WHEREAS, Section 21 of the Port Act authorizes the Board of Port Commissioners (BPC) to pass all necessary ordinances and resolutions for the regulation of the District; and

WHEREAS, Section 35 of the Port Act authorizes the BPC to do all acts necessary and convenient for the exercise of its powers; and

WHEREAS, Section 36 of the Port Act authorizes the BPC by ordinance to fix the rate of wharfage charges and other charges which are appropriate for the use of any of the facilities owned and constructed or services furnished or provided by the District; and

WHEREAS, staff recently completed a market review of competitive parking rates in the downtown San Diego area and staff's review of market rates revealed that during high demand periods parking rates at the Convention Center Public Parking Garage and Bayfront Public Parking Garage can be between \$15-\$25 lower than other garages in the San Diego downtown area; and

WHEREAS, staff completed a market review of convention event parking rates in the Southern California area and found that District rates are \$5-\$10 lower; and

WHEREAS, market-based parking rate ranges are recommended to create flexibility for the public parking at the Convention Center Public Parking Garage, the Bayfront Public Parking Garage, B Street Pier Public Parking Lot, and Navy Pier Public Parking Lot; and

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WHEREAS, at times of high and low demand, prices can be increased or reduced accordingly; and

WHEREAS, the Navy Pier Public Parking Lot is currently within the CDP jurisdiction of the California Coastal Commission (CCC) and on February 17, 2023, the CCC approved and issued a CDP (CCC Permit Application 6-22-1069; also filed as Clerk Doc No. 74984), which approved new parking rate ranges for the Navy Pier Public Parking Lot; and

WHEREAS, staff recommends amending the San Diego Unified Port District (SDUPD) Code Article 8, Section 8.21 – Parking Rates at Tidelands Public Parking Lots and Garages, to update the existing parking rate ranges to new market-based rate ranges at Tidelands public parking garages located at the Convention Center Public Parking Garage (underground at the Convention Center), Bayfront Public Parking Garage (adjacent to the Hilton Bayfront Hotel), B Street Pier Public Parking Lot and Navy Pier Public Parking Lot as detailed in Attachment B of the corresponding agenda sheet; and

WHEREAS, the proposed BPC actions, including without limitation, to conduct a public hearing and adopt an ordinance amending San Diego Unified Port District Code Article 8, Section 8.21 – Parking Rates at Tidelands Public Parking Lots and Garages, are Statutorily Exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15273 (Rates, Tolls, Fares, and Charges) and/or Categorically Exempt pursuant to CEQA Guidelines Section 15301 (Class 1 - Existing Facilities) and Sections 2.h and/or 3.a of the District's Guidelines for compliance with CEQA because the activity in question will only involve an operational change and will involve negligible expansion of use beyond that previously existing; and

WHEREAS, the District has determined none of the six exceptions to the use of a categorical exemption apply to this project (CEQA Guidelines Section 15300.2)

WHEREAS, the Port Act was enacted by the California Legislature and is consistent with the Public Trust Doctrine and consequently, the proposed BPC actions are consistent with the Public Trust Doctrine.

NOW, THEREFORE, the Board of Port Commissioners (BPC) of the San Diego Unified Port District, does ordain as follows:

Section 1. That, based on the entire administrative record, the BPC finds that the BPC action is exempt under the California Environmental Quality Act, Guidelines Section 15273 (Rates, Tolls, Fares, and Charges) and/or Categorically Exempt pursuant to CEQA Guidelines Section 15301 (Class 1 - Existing Facilities) and Sections 2.h and/or 3.a of the District's Guidelines for compliance with CEQA.

Section 2. That Section 8.21 to Article 8 of the San Diego Unified Port District Code is hereby amended to read as follows:

SECTION NO. 8.21 – PARKING RATES AT TIDELANDS PUBLIC PARKING LOTS AND GARAGES

In order to efficiently utilize all District tidelands public parking lots and garages and maximize revenue to the District, the Executive Director is authorized to set market- based parking rates at the tidelands public parking lots and garages listed below, not to exceed the maximum rates for each user type as approved by ordinance of the Board of Port Commissioners (Board) as set forth herein.

Any changes to the maximum parking rates as established by the Executive Director shall be posted at each respective parking lot or garage for the duration of the time such parking rates are in effect.

B Street Pier Public Parking Lot

| Rate Type | Rates |
|---------------------------------------|--|
| Public Rate, 1 Hour | \$6.00 to \$15.00 |
| Public Rate, 1 to 3 Hours | \$8.00 to \$25.00 |
| Public Rate, 3 to 5 Hours | \$12.00 to \$35.00 |
| Public Rate, 5 to 8 Hours | \$14.00 to \$40.00 |
| Public, Daily Max Rate, 8 to 12 Hours | \$16.00 to \$50.00 |
| Special Events Rate | \$20.00 to \$50.00 |
| Valet Parking Rate | \$10.00 to \$50.00 |
| Bus/RV/Oversized Vehicles Flat Rate | \$20.00 to \$80.00 (Time Limit Flexible) |

Convention Center Public Parking Garage (Underground at the Convention Center)

| Rate Type | Rates |
|---|--|
| Convention Center Event Rate | \$15.00 to \$25.00 |
| Special Event Rate (Non-Convention Center Events) | \$15.00 to \$50.00 |
| Daily Employee Rate | \$4.00 to \$6.00 |
| Monthly Parking Rate (Convention Center Staff) | \$50.00to \$100.00 |
| Monthly Parking Rate (Non-Convention Center Staff) | \$100.00 to \$200.00 |
| Shuttle Program | \$5.00 to \$20.00 |
| Public Twilight Rate – after 6 PM (Subject to demand and advance purchase) | \$7.00 (Sun thru Thurs) \$10.00 (Fri thru Sat and Holidays) |

Bayfront Public Parking Garage (Adjacent to Hilton Bayfront Hotel)

| Rate Type | Rates |
|--|--|
| Public Rate Up To 1 Hour | \$11.00 |
| Convention Center Event Rate | \$15.00 to \$25.00 |
| Public Daily Rate, to include Special Event Rate (Non-Convention Center Events) | \$15.00 to \$50.00 |
| Monthly Parking Rate | \$60.00 to \$200.00 |
| Shuttle Program | \$5.00 to \$20.00 |
| Public Twilight Rate – after 6 PM (Subject to demand and advance purchase) | \$7.00 (Sun thru Thurs) \$10.00 (Fri thru Sat and Holidays) |

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***Navy Pier Public Parking Lot**

| Rate Type | New Rates** | |
|--|-----------------------|-----------------------|
| | Apr 1 – Sep 30 | Oct 1 – Mar 31 |
| Public Rate up to 2 Hours | Up to \$5.00 per hour | Up to \$3.75 per hour |
| Public Rate Up to 6 Hours | Up to \$20.00 | Up to \$15.00 |
| Public Rate Maximum (6 to 24 Hours) | Up to \$25.00 | Up to \$18.75 |
| Special Event Rate | Up to \$30.00 | Up to \$22.50 |
| Midway Educational Overnight Rate After 4 PM | Up to \$10.00 | Up to \$10.00 |
| ***Monthly Rate | \$145.00 to \$180.00 | \$145.00 to \$180.00 |
| Motorcycle Rate | 50% of Posted Rate | 50% of Posted Rate |

**Navy Pier Public Parking Lot rates recently approved in the Coastal Development Permit dated February 17, 2023 (CCC Permit Application Number 6-22-1069; filed as Clerk Doc No. 74984).*

***Pursuant to the above referenced Coastal Development Permit, parking rates may be adjusted annually consistent with the Consumer Price Index.*

****Rate range with no change; rate will sunset with opening of Freedom Park at Navy Pier.*

Section 3. This ordinance shall take effect on the 31st day from its passage by the Board of Port Commissioners.

APPROVED AS TO FORM AND LEGALITY:
GENERAL COUNSEL

By: Assistant/Deputy

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 9th day of May 2023, by the following vote: